

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 30-R-2020**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
AUTHORIZING AND APPROVING THE TOWN OF MEAD'S
PARTICIPATION IN THE METRO MORTGAGE ASSISTANCE PLUS
PROGRAM, AND AUTHORIZING THE EXECUTION OF THE
DELEGATION AND PARTICIPATION AGREEMENT AND OTHER
DOCUMENTS IN CONNECTION THEREWITH**

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, the City and County of Denver, Colorado ("Denver") is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate-income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof, and pursuant to said authority Denver sponsors the Metro Mortgage Assistance Plus Program (recently rebranded as the *metroDPA Program*) (the "Program"); and

WHEREAS, Denver has invited the Town of Mead (the "Town") to participate in the Program; and

WHEREAS, the Town is authorized to cooperate with Denver regarding the operation of the Program within Town boundaries pursuant to C.R.S. § 29-1-203 and other State of Colorado law; and

WHEREAS, the Board of Trustees desires to approve the Delegation and Participation Agreement in the form attached hereto as **Exhibit 1** (the "Agreement") to specifically authorize the Town's participation in the Program and to delegate authority to Denver to operate and administer the Program within Town boundaries; and

WHEREAS, the Board of Trustees desires to delegate authority to the Mayor to execute the Agreement on behalf of the Town; and

WHEREAS, the Board of Trustees further desires to delegate authority to the Town Manager to execute such other agreements or certificates related to the Program as may be necessary, or to take such other actions necessary or convenient to carry out and give effect to the Town's participation in the Program.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. In order to benefit the residents of the Town, the Town Board of Trustees authorizes and approves the Town's participation in the Program in connection with the financing of mortgage loans for low-and moderate-income families or persons intended for use as the sole place of residence by the owners or intended occupants thereof, and the Town hereby specifically delegates to Denver the authority of the Town to operate and administer the Program within Town boundaries, as those boundaries may be changed from time to time through annexation, boundary adjustment, or otherwise.

Section 2. The Board of Trustees hereby: (a) approves the Agreement in substantially the same form as is attached hereto and incorporated herein; (b) authorizes the Mayor, in consultation with the Town Manager and Town Attorney, to make non-material changes to the Agreement that do not increase the Town's obligations prior to execution; and (c) authorizes the Mayor to execute the Agreement when in final form.

Section 3. The Town Manager or his or her designee shall be authorized to execute agreements and certificates related to the administration of the Program within Town boundaries, and shall be specifically authorized to take such other actions as may be necessary or convenient to carry out and give effect to the Town's successful participation in the Program.

Section 4. Nothing contained in this Resolution or the Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the Town within the meaning of the Colorado Constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability of the Town or a charge against its general credit or taxing powers.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption.

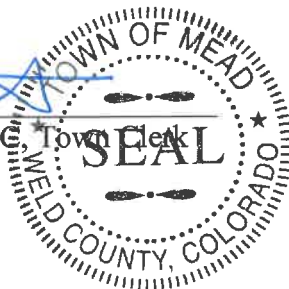
Section 6. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 9th DAY OF MARCH, 2020.

ATTEST:

By

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By

Colleen G. Whitlow, Mayor

Exhibit 1
Delegation and Participation Agreement
(attached)

DELEGATION AND PARTICIPATION AGREEMENT

This **DELEGATION AND PARTICIPATION AGREEMENT**, dated as of March 9, 2020 (this “Delegation and Participation Agreement”), is entered into by and between the **TOWN OF MEAD**, a statutory town of the State of Colorado (the “Town”) and the **CITY AND COUNTY OF DENVER, COLORADO**, a legally and regularly created, established, organized and existing home rule charter city and political subdivision under the Constitution and statutes of the State of Colorado (“Denver”);

RECITALS:

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, Denver is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants and to promote the public health, welfare, safety, convenience and prosperity of the people of Denver; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program (recently rebranded as the *metroDPA Program*) to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the “Program”); and

WHEREAS, Denver has invited the Town to participate in the Program; and

WHEREAS, the Town has the full legal authority to participate in the Program and consent to Denver’s operation and administration of the Program within Town boundaries pursuant to the general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended; Title 31, Article 15, Section 101 *et seq.*, Colorado Revised Statutes, as amended; and the Resolution adopted by the Town Board of Trustees authorizing the Town’s participation in the Program pursuant to and in accordance with the terms of this Delegation and Participation Agreement; and

WHEREAS, the Town desires to delegate to Denver the authority of the Town to operate and administer the Program within the Town’s incorporated boundaries, as the same may be amended from time to time;

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, the Town and Denver hereby agree as follows:

Section 1. The Town hereby delegates to Denver the authority to operate and administer the Program within the Town’s municipal boundaries, as such boundaries may be amended from time to time through annexation, boundary adjustment, or otherwise.

Section 2. Denver hereby accepts the delegation of authority from the Town pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. Denver agrees to make the Program available to the Town for the origination of home mortgages within the Town's incorporated boundaries.

Section 3. In the event that the Program is discontinued by Denver, this Delegation and Participation Agreement, and all duties, obligations and rights of Denver and the Town hereunder, shall terminate. If the Program is terminated, the Town agrees to hold Denver harmless for any costs or any other liabilities incurred by the Town with respect to the adoption and approval of this Delegation and Participation Agreement or any other Town actions related thereto.

Section 4. The Town's participation in the Program pursuant to this Delegation and Participation Agreement shall not be construed as creating or constituting a general obligation or multiple fiscal year direct or indirect indebtedness or other financial obligation whatsoever of the Town nor a mandatory payment obligation of the Town in any fiscal year during which this Delegation and Participation Agreement shall be in effect.

[Signatures on the following pages]

IN WITNESS WHEREOF, the Town and Denver have caused this Delegation and Participation Agreement to be executed and be effective as of March 9, 2020.

TOWN OF MEAD, COLORADO



By Colleen G. Whitlow
Colleen G. Whitlow, Mayor

By Mary E. Strutt
Mary E. Strutt, MMC, Town Clerk

**CITY AND COUNTY OF DENVER,
COLORADO**

By 
Chief Financial Officer

[Signature Page to Delegation and Participation Agreement]